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APR 22 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: BUR920000098US1

In re Application of:

SMITH ET AL.

Serial No.: 09/681,327

Filed: 19 MARCH 2001

**For: METHOD AND SYSTEM FOR
OPTIMIZING CODE USING AN
OPTIMIZING COPROCESSOR**

Examiner: VO, T.

Art Unit: 2122

OFFICIAL

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Jack R. Smith declares as follows:

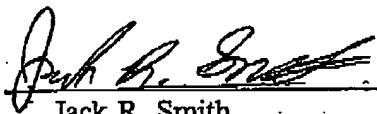
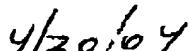
1. I am one of the Applicants for the patent application entitled "Method and System for Optimizing Code using an Optimizing Coprocessor," Serial No. 09/681,327, filed March 19, 2001, and an inventor of the subject matter described and claimed therein.
2. Prior to March 2000, I completed and reduced to practice, in the United States of America, the invention described and claimed in the subject application, as evidenced by the following:

Prior to March 2000, I and my co-inventors jointly submitted Invention Disclosure No. BUR8-2000-0106, attached as Exhibit A hereto, which describes our solution for optimizing code using an optimizing coprocessor.

3. The creation date deleted from Exhibit A is prior to March 2002.

4. I further declare that all statements made herein of my own knowledge and all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful and false statements and the like so made are punishable by fine or imprisonment or both under § 1001 of Title 18 of United States Code and that such willful and false statements may jeopardize the validity of the above-referenced application and any patent issuing therefrom.

FURTHER DECLARANT SAYETH NOT.

_____
Jack R. Smith_____
Date